

REMARKS

Claims 1 to 18 are all the claims pending in the application, prior to the present amendment.

The Examiner has not acknowledged applicants' claim for foreign priority of prior-filed Japanese Application No. JP 2004-236454, or receipt of the certified copy of the priority documents. Applicants request the Examiner to make such acknowledgments. Applicants note that the Notice of Acceptance of March 7, 2007 indicates the certified copy of the priority document was received on June 8, 2006.

Claim 9 has been rejected under the second paragraph of 35 U.S.C. § 112 as indefinite and as being incomplete because it omits essential elements.

The Examiner states that the omitted elements are the "pieces" recited in claim 9 which, according to the Examiner, are not defined in the specification.

In response, applicants have amended the specification and claims throughout by adding the term --lines-- to replace the term "pieces," and by adding the term -- line -- to replace the term "linear" in the phrase "linear density." The terms "lines" and "line density" appear in applicants' priority application, and were inadvertently omitted from the present specification due to translation errors.

In particular, applicants have amended pages 5, 7-8, 14, 15, and page 20 and claim 9.

Applicants have made these amendments in accordance with the provisions of 37 C.F.R. § 1.57(a).

37 C.F.R. § 1.57(a) provides that, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under 37 C.F.R. § 1.55 for priority of a prior-filed foreign application, or a claim under 37 C.F.R. § 1.78 for the benefit of a prior-filed provisional, non-provisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim for priority or benefit shall be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawings.

As explained in MPEP § 201.17, the purpose of 37 C.F.R. § 1.57(a) is to provide a safeguard for applicants when a portion of the specification has been inadvertently omitted from an application, such as through a clerical error. It allows inadvertently omitted material to be added to the application by way of a later-filed amendment if the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application even though there is no explicit incorporation by reference of the prior-filed application.

Among the conditions and requirements that need to be met for an applicant to add omitted material to an application pursuant to 37 C.F.R. § 1.57(a) are the following:

- (1) the application must have been filed on or after September 21, 2004;
- (2) a claim under 37 C.F.R. § 1.55 for priority of a prior-filed foreign application, or a claim under 37 C.F.R. § 1.78 for the benefit of a prior-filed provisional, non-provisional, or international application, must have been present on the filing date of the application;

(3) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(4) applicant must supply an English language translation of any prior-filed application that is in a language other than English; and

(5) applicant must identify where the inadvertently omitted portion of the specification or drawing(s) can be found in the prior-filed application.

The present application satisfies the above conditions as indicted below:

(1) the present application is a National Stage entry filed on June 8, 2006 of International Application No. PCT/JP05/14876 filed on August 9, 2005. Thus, the present application was filed after the September 21, 2004 date of 37 C.F.R. § 1.57(a);

(2) the present application contained a claim for priority of prior-filed Japanese Application No. 2004-236454, filed on August 16, 2004, which claim for priority was present on the filing date of the present application;

(3) applicants have supplied a copy of the prior-filed foreign application, as shown by the Notice of Acceptance;

(4) applicants enclose herewith a verified English-language translation, including a translator's statement, of the prior-filed Japanese Application No. 2004-236454; and

(5) in accordance with the requirement for applicants to identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application,

applicants set forth the following concordance between the present amendments and the concurrently submitted translation of applicants' foreign priority document:

<u>Amendment</u>	<u>Foreign Priority Document Translation</u>
Page 5, third paragraph	Page 8, paragraph [0022]
Paragraph bridging pages 7 and 8	Page 11, paragraph [0034]
Page 14, second paragraph	Pages 18-19, paragraph [0062]
Page 15, first full paragraph	Pages 14-20, paragraph [0065]
Page 20, second paragraph	Pages 25-26, paragraph [0083]

In setting forth the above rejection, the Examiner refers to MPEP § 2172.01. This section states that a claim which omits matter disclosed to be essential in the specification or in other statements of record may be rejected under 35 U.S.C. § 112, first paragraph, as not enabling. The present rejection, however, was made under the second paragraph of 35 U.S.C. § 112. Thus, the MPEP section relied upon by the Examiner does not provide a basis for the present rejection.

Further, the Examiner has not identified why he considers the claim to be indefinite, and has not identified what matter has been disclosed in the specification as being essential, but which is omitted from the claim.

In any event, applicants submit that one of ordinary skill in the art would readily understand the meaning of claim 9, and would understand that claim 9 does not omit any essential element.

Applicants refer the Examiner to U.S. Patents 6,821,653, 6,942,933, 7,006,328 and 7,220,447 for a discussion of line density and lines.

In view of the above, applicants request withdrawal of this rejection.

Applicants note that they have amended page 5, third paragraph of the specification and claim 9 to recite the number -- 7500 -- instead of -- 750 --. Support for this amendment can be found at page 7, line 30, of the specification. This amendment is also supported by claim 9 at page 2 of the enclosed translation of the priority document, and by paragraph [0022] at page 8 of the enclosed translation.

Claim 9 has been objected to because the amendment that was previously made to this dependent claim does not recite the claim number from which claim 9 depends.

Applicants have now corrected this error by amending claim 9 to depend from claim 1.

Claims 1 and 2 have been rejected under 35 U.S.C. § 102(e) as anticipated by or in the alternative under 35 U.S.C. § 103(a) as obvious over U.S. Published Patent Application 2005/0170103 to Murao et al.

In this detailed statement, the Examiner includes not only claims 1 and 2, but also includes claims 3-18.

In the Office Action, the Examiner identifies the various portions of Murao et al upon which he relies by referring to the paragraph numbering of Murao et al. Some of the paragraph numbers referred to by the Examiner seem to be in error. For example, the Examiner refers to paragraph [0026] of Murao et al '103 as disclosing a magnetic head. Murao et al '103 disclose a magnetic head in other paragraphs, but do not disclose it in paragraph [0026].

In any event, the Murao et al '103 application has an effective date of August 25, 2004.

The present specification claims priority from Japanese priority document JP 2004-236454 of August 16, 2004, which is before the August 25, 2004 date of the Murao et al publication.

As mentioned above, applicants enclose a verified translation of applicants' priority document. The priority document supports the claims of the present application, as can be seen from the enclosed translation.

In view of the above, applicants request withdrawal of this rejection.

Claim 1 has been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent 6,874,459 to Takahashi et al in view of U.S. Published Patent Application 2002/0150796 to Kanbe et al.

Applicants have amended claim 1 to incorporate the recitations of claim 3. Claim 3 was not subject to this rejection and has now been canceled.

In view of the above, applicants request withdrawal of this rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
AND 37 C.F.R. § 1.57(a)
Application No.: 10/582,109

Attorney Docket No.: Q83261

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

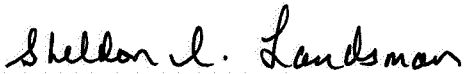
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